

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BOBBY AYERS,

Plaintiff,

v.

UNKNOWN,

Defendant.

Case No. 1:24-cv-01301-HBK (PC)

ORDER GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*

(Doc. No. 2)

ORDER DIRECTING PAYMENT
OF INMATE FILING FEE BY THE
CALIFORNIA DEPARTMENT OF
CORRECTIONS

Plaintiff, a prisoner, initiated this action on October 24, 2024, by filing a pro se civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. No. 1, “Complaint”). Plaintiff seeks leave to proceed *in forma pauperis* on his Complaint (Doc. No. 2) and submitted a copy of his prison trust fund statement and/or certification from prison officials in support (Doc. No. 6). Plaintiff has made the showing required by § 1915(a) to proceed *in forma pauperis* but remains obligated to pay the full \$350.00 statutory filing fees as set forth in 28 U.S.C. § 1915. **Pursuant to § 1915(b)(1)(A), Plaintiff is obligated to make an initial payment of \$50.00¹ (20% of the average 6-month deposits to the prisoner’s account).** Thereafter, Plaintiff must make monthly

¹ The statute requires an initial filing fee of 20% of the greater of the six-months average monthly deposits or average monthly balance. 28 U.S.C. § 1915(b)(1)(A), (B). Plaintiff had over \$1502.00 in deposits over the relevant six-month period.

1 payments of 20% of the preceding month's income credited to his trust account. The California
2 Department of Corrections is required to send the initial \$38.76 payment to the Clerk of the Court
3 and subsequent payments from Plaintiff's account each time the amount in her account exceeds
4 \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

5 ACCORDINGLY, it is **ORDERED**:


6 1. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 5) is GRANTED.

7 2. **The Secretary of the California Department of Corrections, or his designee shall**
8 **forward an initial payment of \$50.00 to the Clerk of the Court from Plaintiff's prison trust**
9 **account in accordance with 28 U.S.C. § 1915(b)(1)(B) and thereafter shall make future**
10 **monthly payments in an amount equal to twenty percent (20%) of the preceding month's**
11 **income credited to the Plaintiff's trust account each time the amount in the account exceeds**
12 **\$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected**
13 **and forwarded to the Clerk of the Court.** The payments shall be clearly identified by the name
14 and number assigned to this action.

15 3. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's
16 *in forma pauperis* application on the Secretary of the California Department of Corrections, via
17 the court's electronic case filing system (CM/ECF).

18 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
19 Department, U.S. District Court, Eastern District of California.

20
21 Dated: November 4, 2024


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE